

AT AN ADJOURNED MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MONTGOMERY, VIRGINIA HELD ON THE 22ND DAY OF NOVEMBER 2004, AT 7:15 P.M. IN THE BOARD CHAMBERS, MONTGOMERY COUNTY GOVERNMENT CENTER, 755 ROANOKE STREET, CHRISTIANSBURG, VIRGINIA:

| | | |
|----------|-------------------------|----------------------------------|
| PRESENT: | James D. Politis | -Chair |
| | Annette S. Perkins | -Vice Chair |
| | Mary W. Biggs | -Supervisors |
| | Gary D. Creed | |
| | Doug Marrs | |
| | John A. Muffo | |
| | Steve L. Spradlin | |
| | B. Clayton Goodman, III | -County Administrator |
| | L. Carol Edmonds | -Assistant County Administrator |
| | Martin M. McMahon | -County Attorney |
| | T.C. Powers | -Planning Director |
| | Robert C. Parker | -Public Information Officer |
| | Vickie L. Swinney | -Secretary, Board of Supervisors |

CALL TO ORDER AND PLEDGE OF ALLEGIANCE

The Chair called the meeting to order and the Pledge of Allegiance was recited.

PRESENTATION – RESOLUTION OF RECOGNITION KATHRYN “KITTY” BRENNAN

Chair Politis presented Kelly Brennan, son of Kitty Brennan, with a resolution of recognition in remembrance of Kitty Brennan for her dedication and service to the County. Don Linkous and Malvin Wells with the Montgomery County Planning Commission and Paul Lancaster, Blacksburg Planning Commission, also presented resolutions honoring Kitty Brennan.

PUBLIC HEARINGS

Ordinance Amending Chapter 10, Entitled Zoning

The Montgomery County Planning Commission requests an ordinance amending Chapter 10, entitled Zoning, Sections 10-21 through 10-29, Section 10-31, and Sections 10-34 through 10-36 of the Code of the County Of Montgomery by changing the purpose and qualifying lands for the A-1 Agricultural, C-1 Conservation, R-R Rural Residential, R-1 Residential, R-2 Residential, R-

3 Residential, RM-1 Multiple-Family Residential, GB General Business, CB Community Business, and M-L Manufacturing Light Districts and the qualifying lands and certain lot requirements for PUD-COM Planned Unit Development Commercial District and PUD-RES Planned Unit Development Residential District in order to be consistent with the new 2025 County Comprehensive Plan.

The Planning Director explained that the amendment to the Zoning Ordinance was in order to be consistent with the County's 2025 Comprehensive Plan.

There being no speakers, the public hearing was closed.

Proposed Ordinance to amend Chapter 2 , Section 2-107, Entitled Tax Exemption and Deferrals for the Elderly and Handicapped.

An Ordinance Amending Chapter 2, Section 2-107, Entitled Tax Exemption and Deferrals for the Elderly and Handicapped, of the Code of Montgomery County, Virginia in order to increase the income limits from \$16,000 - \$25,000 to \$16,500- \$26,000 and increase the income inclusion for a relative in the household from \$6,500 to \$10,000.

The County Administrator presented a brief overview of the proposed changes to the ordinance. The Board of Supervisors requested staff to review this ordinance on an annual basis. The Assistant County Administrator met with representatives from the Town of Blacksburg, Town of Christiansburg, and the Commissioner of Revenue's Office to review the ordinance. They recommend the income limits be increase to be consistent with the State and increase the income inclusion for a relative in the household.

There being no speakers, the public hearing was closed.

PUBLIC ADDRESS

There being no speakers, the public address session was closed.

CONSENT AGENDA

On a motion by Mary W. Biggs, seconded by John A. Muffo and carried unanimously, the Consent Agenda dated November 22, 2004 was approved.

The vote on the foregoing motion was as follows:

| <u>AYE</u> | <u>NAY</u> |
|--------------------|------------|
| Mary W. Biggs | None |
| Doug Marrs | |
| Steve L. Spradlin | |
| Annette S. Perkins | |
| Gary D. Creed | |
| John A. Muffo | |
| James D. Politis | |

R-FY-05-87
SCHEDULE PUBLIC HEARING
NEW RIVER COMMUNITY ACTION
REQUEST FOR EXEMPTION
OF REAL AND PERSONAL PROPERTY

On a motion by Mary W. Biggs, seconded by John A. Muffo and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia, that the Board of Supervisors hereby schedules a Public Hearing for Monday, December 13, 2004, at 7:15 p.m., or soon thereafter, in the Board Chambers located on the Second Floor in the Montgomery County Government Center, 755 Roanoke Street, Christiansburg, Va, to hear citizens comments on the following proposed Ordinance:

AN ORDINANCE BY THE BOARD OF SUPERVISORS OF THE COUNTY OF MONTGOMERY, VIRGINIA DESIGNATING CERTAIN REAL AND PERSONAL PROPERTY OWNED BY NEW RIVER COMMUNITY ACTION, INC AS EXEMPT FROM TAXATION

A-FY-05-47
MONTGOMERY MUSEUM
& LYRIC THEATRE
GRANT FUNDING

On a motion by Mary W. Biggs, seconded by John A. Muffo and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2005, for the function and in the amount as follows:

| | | |
|-----|-------------------|---------|
| 911 | Montgomery Museum | \$2,500 |
| | Lyric Theatre | \$2,500 |

The source of the funds for the foregoing appropriation is as follows:

Revenue Account:

| | | |
|--------|--------------|---------|
| 424401 | State Grants | \$5,000 |
|--------|--------------|---------|

Said resolution appropriates grant funds received for the Montgomery Museum and Lyric Theatre.

A-FY-05-48
SHERIFF -RECOVERED COSTS

On a motion by Mary W. Biggs, seconded by John A. Muffo and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2005, for the function and in the amount as follows:

| | | |
|-----|------------------|----------|
| 320 | Sheriff – County | \$27,797 |
|-----|------------------|----------|

The sources of the funds for the foregoing appropriation is as follows:

Revenue Account

| | | |
|--------|-------------------|-----------------|
| 424401 | Project Lifesaver | \$ 600 |
| 419108 | Recovered Costs | <u>\$27,197</u> |
| | Total | \$27,797 |

Said resolution appropriates recovered costs from deputies working security and from Project Lifesaver funds.

A-FY-05-49
EMERGENCY SERVICES COORDINATOR
GRANT

On a motion by Mary W. Biggs, seconded by John A. Muffo and carried unanimously,

BE IT RESOLVED, By the Montgomery County Board of Supervisors that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2005, for the function and in the amount as follows:

| | | |
|-----|---------------------------------------|----------|
| 111 | Emergency Services Coordinator Grants | \$10,156 |
|-----|---------------------------------------|----------|

The source of the funds for the foregoing appropriation is as follows:

Revenue Account

02111-424401 State Grants

\$10,156

Said resolution appropriates Community Emergency Response Team grant funds.

A-FY-05-50

**COMMONWEALTH'S ATTORNEY
SUPPLEMENTAL APPROPRIATION - COLLECTIONS**

On a motion by Mary W. Biggs, seconded by John A. Muffo and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2005 for the function and in the amount as follows:

220 Commonwealth's Attorney \$4,315

The source of the funds for the foregoing appropriation is as follows:

Revenue Account

416014 Collection Fees

\$4,315

Said resolution appropriates funds to be received from the Commonwealth's Attorney's office collecting delinquent fees.

A-FY-05-51

TWO FOR LIFE FUND ALLOCATION

On a motion by Mary W. Biggs, seconded by John A. Muffo and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2005, for the function and in the amount as follows:

331 Fire and Rescue Grants-Two for Life \$30,687

The source of the funds for the foregoing appropriation is as follows:

Revenue Account

23312-424401 Two for Life

\$30,687

Said resolution appropriates funds received from the Two for Life Program for use by the Volunteer Rescue Squads.

November 22, 2004

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A-FY-05-52
SOCIAL SERVICES
SUPPLEMENTAL APPROPRIATION
AND TRANSFER FROM SPECIAL CONTINGENCIES
AND GENERAL CONTINGENCIES

On a motion by Mary W. Biggs, seconded by John A. Muffo and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2005, for the function and in the amount as follows:

| | | |
|-----|-----------------|----------|
| 540 | Social Services | \$36,989 |
|-----|-----------------|----------|

The source of the funds for the foregoing appropriation is as follows:

| | | |
|------------------------|-------------------|----------|
| <u>Revenue Account</u> | | |
| 424102 | Public Assistance | \$36,989 |

BE IT FURTHER RESOLVED, that a transfer is authorized as follows:

| | | |
|---------------------|-----------------------|----------------|
| <u>FROM:</u> | | |
| 960 | Special Contingencies | \$3,297 |
| 950 | General Contingencies | <u>\$4,787</u> |
| | | \$8,084 |

| | | |
|-------------------|-----------------|---------|
| <u>TO:</u> | | |
| 540 | Social Services | \$8,084 |

Said resolution appropriates funding for the Energy Assistance Program and Adult Foster Care and transfers the required match on the Adult Foster Care.

OLD BUSINESS

R-FY-05-88
SIX -YEAR ROAD PLAN
STATE SECONDARY HIGHWAY SYSTEM
IN MONTGOMERY COUNTY

On a motion by Mary W. Biggs, seconded by Steve L. Spradlin and carried unanimously,

WHEREAS, The Board of Supervisors of Montgomery County, Virginia, in cooperation with representatives of the Virginia Department of Transportation, have prepared a proposed Six-Year Plan for Montgomery County listing improvements proposed on the State Secondary

Highway System in Montgomery County for which funds are to be budgeted in fiscal years 2005-2011; and

WHEREAS, A duly advertised public hearing was conducted at the Montgomery County Government Center in Christiansburg, Virginia at 7:15 p.m. on September 27, 2004 for the purpose of informing interested citizens of the proposed Six-Year Plan for soliciting public input into the planning process in accordance with Section 33.1-70.01 of the Code of Virginia of 1950, as amended; and

WHEREAS, This Board has given due consideration to such input and other factors pertaining to improvements of the State Secondary Highway System in Montgomery County.

NOW, THEREFORE, BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby approves the aforementioned Six-Year Plan for Improvement of the State Secondary Highway System in Montgomery County for fiscal years 2005-2011, attached as Exhibit A, with changes to the following:

1. Move Priority #10 – SR 677 (County Line Road) to Priority #8

BE IT FURTHER RESOLVED, That adoption of this plan also establishes priorities for preparation of the annual budget for the fiscal year 2005-2006 by the Virginia Department of Transportation Resident Engineer.

The vote on the foregoing resolution was as follows:

| | |
|--------------------|------------|
| <u>AYE</u> | <u>NAY</u> |
| Doug Marrs | None |
| Steve L. Spradlin | |
| Annette S. Perkins | |
| Gary D. Creed | |
| John A. Muffo | |
| Mary W. Biggs | |
| James D. Politis | |

NEW BUSINESS

R-FY-05-90 REFINANCE THE INDUSTRIAL DEVELOPMENT AUTHORITY 2002 REVENUE BOND

On a motion by Mary W. Biggs, seconded by John A. Muffo and carried unanimously,

WHEREAS, the Board of Supervisors of Montgomery County, Virginia (the “Board of Supervisors”) has determined that the County of Montgomery, Virginia (the “County”) has an immediate need to refinance the Industrial Development Authority of Montgomery County,

Virginia's (**the "Authority"**) \$9,500,000 Taxable Revenue Bonds, Series 2002 issued on October 29, 2002 (**the "Prior Loan"**) which refinanced prior borrowings of the Authority to finance the construction, renovation and equipping of the Haleos Building, formerly ACT MicroDevices, Inc. (**the "Project"**) located in the County on real property (**the "Real Estate"**), through the issuance of an amount not to exceed \$9,700,000 Taxable Revenue Bonds, Series 2004 (**the "Bonds"**) and to accomplish certain purposes of the Virginia Industrial Development and Revenue Bond Act (**the "Act"**), and the Authority has agreed to do so; and

WHEREAS, there has been presented to the Board of Supervisors a plan for the re-financing of the Prior Loan involving the issuance of the Bonds by the Authority, which would not create debt of the County for purposes of the Virginia Constitution; and

WHEREAS, after consultation with and assistance from Davenport & Company LLC as placement agent and Sands Anderson Marks & Miller, as Bond Counsel, the Authority has received a proposal from SunTrust Bank (**the "Bank"**) for purchase of the Bonds, payment of the Bonds to be secured by a lien on and security interest in the Project granted pursuant to a deed of trust, and in connection therewith, the Bank has requested a moral obligation support agreement be entered into between the Authority and the County; and

WHEREAS, the Bank has agreed that the Bonds may be repaid without penalty if the Project is sold to an economic development prospect; and

WHEREAS, there have been presented to this meeting drafts of the following documents (**the "Documents"**), copies of which shall be filed with the records of the Board of Supervisors:

- (a) a Bond Purchase and Loan Agreement among the Authority, the County and the Bank providing for the purchase of the Bonds and the loan of the monies from the sale of the Bonds to repay the Prior Loan (**the "Bond Purchase and Loan Agreement"**);
- (b) a Support Agreement between the Authority and the County to undertake a non-binding obligation to appropriate from time to time moneys to the Authority in connection with payments due on the Bonds;
- (c) an Assignment of Rents and Leases between the Authority and the Bank, assigning to the Bank leases and rental payments received from the Project (**the "Assignment Agreement"**); and
- (d) a Deed of Trust and Security Agreement between the Authority and the Bank thereunder for the benefit of the Bank, securing the repayment of the Bonds with a first mortgage deed of trust on the Project (**the "Deed of Trust"**).

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF MONTGOMERY COUNTY, VIRGINIA:

1. The following plan for re-financing the Prior Loan for the County as described in the preambles above is hereby approved. The Authority will be requested to issue the Bonds in the maximum amount of \$9,700,000 and to use the proceeds therefrom to refinance the Prior Loan. The Authority will sell the Bonds to the Bank and agree to repay the same pursuant to the Bond Purchase and Loan Agreement. The Authority will also enter into the Assignment Agreement whereby the Authority's rights under any leases or rental payments from the Project will be assigned to the Bank. The Authority repayment obligations will be sufficient to pay interest and principal due on the Bonds, all pursuant to the Bond Purchase and Loan Agreement. The obligation of the Authority to pay principal and interest on Bonds will be limited to revenues received from the Project and appropriations of the County under the Support Agreement, if necessary. The obligation of the County to make any payments under the Support Agreement will be subject to the Board of Supervisors making annual appropriations for such purpose. The Bonds will be secured by the Assignment Agreement, the Bond Purchase and Loan Agreement, the Deed of Trust and the Support Agreement. The issuance of the Bond maturing in **three years** from the issuance date at a per annum interest rate of **4.55%** is hereby approved.
2. The Board hereby selects Sands, Anderson, Marks & Miller as Bond Counsel, and in connection therewith, the placement agent by Davenport & Company LLC with the Bank of the Bonds, and the Authority is hereby requested to designate the same.
3. The Chairman or Vice Chairman of the Board of Supervisors, either of whom may act, is hereby authorized and directed to execute and deliver the Support Agreement, the Deed of Trust and the Bond Purchase and Loan Agreement.
4. The Chairman or Vice-Chairman of the Board of Supervisors, either of whom may act, is hereby authorized and directed to acknowledge and consent, as necessary, to the provisions of the Support Agreement, the Assignment Agreement, the Bond Purchase and Loan Agreement and any other instruments executed by the Authority in connection with the issuance of the Bonds, including designating and confirming the final provisions and other terms of the Bonds.
5. The Documents shall be in substantially the forms submitted to this meeting, which are hereby approved, with such completions, omissions, insertions and changes as may be approved by the officer executing them, his execution to constitute conclusive evidence of his approval of any such completions, omissions, insertions and changes.
6. The Project is hereby declared to be essential to the efficient operation of the County, and the Board of Supervisors anticipates that the Project will continue to be essential to the operation of the County during the term of the Bond Purchase and Loan Agreement. The Board of Supervisors, while recognizing that it is not empowered to make any binding commitment to make appropriations beyond the

current fiscal year, hereby states its intent to make annual appropriations in future fiscal years in amounts sufficient to make all payments under the Bond Purchase and Loan Agreement pursuant to the Support Agreement and hereby recommends that future Boards of Supervisors do likewise during the term of the Bond Purchase and Loan Agreement.

7. All other acts of the Chairman or Vice-Chairman of the Board and other officers of the County that are in conformity with the purposes and intent of this resolution and in furtherance of the plan of financing, the issuance and sale of Bonds and the re-financing of the Prior Loan is hereby approved and ratified.
8. Any authorization herein to execute a document shall include authorization to deliver it to the other parties thereto and to record such document where appropriate.
9. The County hereby agrees to the extent permitted by law to indemnify, defend and save harmless the Authority, its officers, directors, employees and agents from and against all liabilities, obligations, claims, damages, penalties, fines, losses, costs and expenses in any way connected with the County, the issuance of the Bonds and the re-financing of the Prior Loan.
10. Nothing in this Resolution or the Support Agreement, the Bonds or the Documents shall constitute a debt or a pledge of the faith and credit or the taxing power of the County with respect to any sums which are or may become payable under the Support Agreement. All obligations of the County and the Board of Supervisors under the Support Agreement are subject to and dependent upon appropriations of funds by the Board of Supervisors, and the Board of Supervisors shall have no legally binding obligation under this resolution or in the Support Agreement to make any such appropriation or the payments provided for in the Support Agreement, the Support Agreement being a statement only of the present intent of the Board of Supervisors.
11. This resolution shall take effect immediately.

PASSED AND ADOPTED this 22nd of November, 2004.

The vote on the foregoing resolution was as follows:

AYE

Gary D. Creed
John A. Muffo
Mary W. Biggs
Steve L. Spradlin
Doug Marrs
Annette S. Perkins
James D. Politis

NAY

None

INTO WORK SESSION

On a motion by Annette S. Perkins, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, The Board of Supervisors hereby enters into Work Session for the purpose of discussing the following:

1. Cash Proffers

The vote on the foregoing motion was as follows:

AYE

John A. Muffo

Mary W. Biggs

Doug Marrs

Steve L. Spradlin

Gary D. Creed

Annette S. Perkins

James D. Politis

NAY

None

The Planning Director made a presentation on cash proffers. He explained that cash proffers are voluntary cash contribution from a zoning applicant used to address the impact of development on capital facilities such as schools, roads, public safety, parks and libraries. Developers can choose other ways to address the impact of their development other than cash by land dedication or in-kind services. Since 1989, Virginia has allowed high growth communities to accept cash proffers to help offset costs of capital facilities improvements related to new development associated with rezoning. Montgomery County is considered a high growth community and has chosen not to accept cash proffers in the past. The Planning Director explained that cash proffers could only be used toward capital facilities, such as schools, roads, public safety, libraries, parks and open space, not used toward the County's operating budget.

The Board followed this presentation with a brief discussion and instructed the Planning Director to proceed with a draft timetable of steps to be taken for consideration of cash proffers.

OUT OF WORK SESSION

On a motion by Mary W. Biggs, seconded by Steve L. Spradlin and carried unanimously,

BE IT RESOLVED, The Board of Supervisors ends their Work Session to return to Regular Session.

The vote on the foregoing motion was as follows:

| <u>AYE</u> | <u>NAY</u> |
|--------------------|------------|
| Mary W. Biggs | None |
| Doug Marrs | |
| Steve L. Spradlin | |
| Gary D. Creed | |
| Annette S. Perkins | |
| John A. Muffo | |
| James D. Politis | |

COUNTY ADMINISTRATOR'S REPORT

Appointments to Boards and Commissions The County Administrator reported that in the past it has been the Board's policy to send notices of vacancies as a press release to the local newspapers. These notices are published as a public service, and only if there is space, resulting in the notices not being published on occasion. This results in a low response for applicants. The County Administrator recommended that the Board of Supervisors consider placing a paid notice in the newspapers in order to increase the pool of applicants. Ads would only be placed as needed and one ad will include all vacancies for that respective month.

The Board, by consensus, agreed that vacancies on boards and commission needed to be advertised and authorized staff to proceed with paid advertising for future vacancies.

The County Administrator also commented on the Board's prior discussion of the feasibility of interviewing candidates for some of the more critical and policy making boards/commissions. It is recommended that an interview committee be formed consisting of the Chair, Vice-Chair and County Administrator; or two Board of Supervisors members and County Administrator; or county staff.

The Board also discussed the possibility of a application form for citizens to complete for appointment to boards and commissions. The Board had mixed feelings on the application form and directed staff to review this process further.

Virginia Coalition of High Growth Communities

The County Administrator reported that he and Supervisors Biggs attended a session at the VACo Conference conducted by the Coalition of High Growth Communities. It was mentioned that Montgomery County has not paid membership dues and questioned Montgomery County's participation. Supervisor Biggs asked that this issue be presented to the Board of Supervisors to determine whether the County will be participating and authorize payment of dues. Current year dues total \$2,091. At the session, the Coalition authorized the possible doubling of the dues for the next fiscal year. The proposed new rate will be 5 cents per capita, with a minimum payment of \$1,500 and maximum payment of \$10,000. Montgomery County's cost would be \$4,182.

The Coalition also proposed hiring an Executive Director for the Coalition. Currently, volunteers from other government localities have been staffing the Coalition.

The County Administrator recommended a resolution be placed on the Board's December 13, 2004 agenda to consider endorsing the Coalition and designate the County Administrator as the County's representative.

Regional Jail

The County Administrator provided an update on participation in the Roanoke County/Salem regional jail project. The County Administrator requested permission to contact the County's State Legislators to ask for their support for a bill to authorize the County to continue participation in the discussion of the regional jail proposed for Roanoke County/Salem. In order to continue this participation Montgomery County must be granted exemption from the moratorium imposed by the General Assembly in 1996 restricting localities from the development of new, and the expansion of existing jails, unless the governing body is willing to forgo the state reimbursement or unless the jail project is exempted from the moratorium.

The County Administrator explained permitting him to ask the State Legislators for their support for this bill would permit the process to continue and allow for more time for the collection of cost information before a decision as to whether or not to join the regional jail has to be made.

Childress Road – Rumble Strips at the Intersection of Childress Road and Rt. 8

The County Administrator reported that Chair Politis suggested paving over the rumble strips installed at the Intersection of Childress and Rt. 8. The County Administrator suggested that since the Board made the request for rumble strips by resolution, the request for VDOT to pave over the rumble strips should also be made by resolution.

Spotlight on Montgomery County

The Public Information Officer distributed copies of "Spotlight on Montgomery County" which will be published in the local newspapers. This display highlights current events and information in Montgomery County government.

R-FY-05-91 RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO CONTINUE THE STUDY OF A REGIONAL JAIL

On a motion by Gary D. Creed, seconded by Doug Marrs and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia that the Board hereby authorizes the County Administrator to continue studying the possibility of participation in a Regional Jail with Roanoke County, Salem, and Franklin County by seeking

legislative approval from the General Assembly exempting Montgomery County along with Roanoke County, Salem and Franklin County from the moratorium that was adopted by the General Assembly forgoing state funding on new, and the expansion of existing jails.

BE IT FURTHER RESOLVED, By the Board of Supervisors that the County Administrator is hereby authorized to contact the County's State Legislators to ask for their support for legislation exempting Montgomery County from the above referenced moratorium.

The vote on the foregoing resolution was as follows:

AYE

John A. Muffo

Gary D. Creed

Annette S. Perkins

Steve L. Spradlin

Doug Marrs

Mary W. Biggs

James D. Politis

NAY

None

**R-FY-05-92
RESOLUTION REQUESTING VDOT
TO PAVE THE RUMBLE STRIPS ON
CHILDRRESS ROAD**

On a motion by Steve L. Spradlin, seconded by Gary D. Creed and carried unanimously,

WHEREAS, In July 2004 the Board of Supervisors received a petition from a concerned citizen asking that rumble strips and flashing warning lights be installed on Childress Road (SR 693) approaching the intersection at Route 8; and

WHEREAS, By resolution dated July 26, 2004 the Board of Supervisors requested the Virginia Department of Transportation (VDOT) to install flashing warning lights and rumble strips on Childress Road (SR 693) approaching the intersection at Route 8; and

WHEREAS, VDOT has installed rumble strips at this location; and

WHEREAS, The residents who live along Childress Road near the rumble strips complained about the noise all through the day and night, and have requested that the rumble strips be removed and flashing warning lights be installed to warn motorists of the upcoming intersection.

NOW, THEREFORE, BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby requests the Virginia Department of Transportation to pave over the rumble strips on Childress Road (SR 693) and to install flashing warning lights to warn motorists of the upcoming stop sign at the intersection of Route 8.

The vote on the foregoing resolution was as follows:

AYE

Mary W. Biggs

Doug Marrs

Steve L. Spradlin

Annette S. Perkins

Gary D. Creed

John A. Muffo

James D. Politis

NAY

None

BOARD MEMBERS' REPORTS

Supervisor Muffo stated he was misquoted in the Roanoke Times in reference to the old Blacksburg Middle School property. He was quoted as stating that four Board of Supervisors members want to sell the Blacksburg Middle School property, and in reality he stated that what ever happens to the property there had to be four Board members to agree.

Supervisor Biggs believes a protocol needs to be in place to handle future situations such as the old Blacksburg Middle School. She pointed out that the School Board still has control over the school, and this issue could have been handled differently.

School Board Meeting The search for a new school superintendent is still underway. The consultants have implemented an aggressive timeline, proposing applications received and candidates interviewed by early spring.

Montgomery County Chamber of Commerce Annual Dinner – Supervisor Biggs and Supervisor Perkins attended the Chamber of Commerce Annual Dinner. Supervisor Biggs reported that the National Association of Counties (NACo) Conference will be hosted by Virginia in 2007. She asked that the Chamber be contacted with this information as one of the main focuses will be tourism during the conference.

Supervisor Marrs requested staff contact the representative in charge of writing the history of Montgomery County and ask if they would contact J.W. McGuire in reference to the history of Ellett Valley.

Supervisor Spradlin submitted a list of road concerns to the County Administrator to be forwarded to VDOT.

Dog Tags Supervisor Spradlin asked if it was feasible to sell dog tags concurrently with the animal shots due date. If not, could the date the dog tags go on sale be changed to March when the county vehicle decals go on sale. He believes this will be beneficial to the citizens in order to allow them to take care of county business at one time.

INTO CLOSED MEETING

On a motion by Steve L. Spradlin, seconded by Gary D. Creed and carried unanimously,

Section 2.2-3711 (1) Discussion , Consideration or Interviews of Prospective
Candidates for Employment; Assignment, Appointment,
Promotion, Performance, Demotion, Salaries, Disciplining or
Resignation of Specific Officers, Appointees or Employees of
Any Public Body

1. County Administrator

The vote on the foregoing motion was as follows:

| <u>AYE</u> | <u>NAY</u> |
|--------------------|------------|
| John A. Muffo | None |
| Gary D. Creed | |
| Annette S. Perkins | |
| Steve L. Spradlin | |
| Doug Marrs | |
| Mary W. Biggs | |
| James D. Politis | |

OUT OF CLOSED MEETING

On a motion by John A. Muffo, seconded by Annette S. Perkins and carried unanimously,

BE IT RESOLVED, The Board of Supervisors ends their Closed Meeting to return to Regular Session.

The vote on the foregoing resolution was as follows:

| <u>AYE</u> | <u>NAY</u> |
|--------------------|------------|
| Mary W. Biggs | None |
| Doug Marrs | |
| Steve L. Spradlin | |
| Annette S. Perkins | |
| Gary D. Creed | |
| John A. Muffo | |
| James D. Politis | |

CERTIFICATION OF CLOSED MEETING

On a motion by Gary D. Creed, seconded by Doug Marrs and carried unanimously,

WHEREAS, The Board of Supervisors of Montgomery County has convened a Closed Meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3711 of the Code of Virginia requires a certification by the Board that such Closed Meeting was conducted in conformity with Virginia law.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia hereby certifies that to the best of each member's knowledge (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion conveying the closed meeting were heard, discussed or considered by the Board.

VOTE

AYES

Mary W. Biggs
Doug Marrs
Steve L. Spradlin
Annette S. Perkins
Gary D. Creed
John A. Muffo
James D. Politis

NAYS

None

ABSENT DURING VOTE

None

ABSENT DURING MEETING

None

ADJOURNMENT

On a motion by Gary D. Creed, seconded by John A. Muffo and carried unanimously, the Board adjourned to Monday, November 29, 2004 at 6:30 p.m. at the Farmhouse Restaurant.

The vote on the foregoing resolution was as follows:

AYE

Mary W. Biggs
Doug Marrs
Steve L. Spradlin
Annette S. Perkins
Gary D. Creed
John A. Muffo
James D. Politis

NAY

None

The meeting adjourned at 10:15 p.m.

| | |
|---------------------------|--|
| APPROVED: _____ | ATTEST _____ |
| James D. Politis Chair | B. Clayton Goodman County Administrator |